

Message

**From:** Koenig, Jack@ARB [jack.koenig@arb.ca.gov]  
**Sent:** 1/10/2020 6:31:20 PM  
**To:** Leong, Denise [Leong.Denise@epa.gov]  
**Subject:** RE: Confidentiality Agreement

Thanks for the update.



Jonathan (Jack) Koenig  
Senior Attorney  
California Air Resources Board  
1001 I St. Sacramento, CA 95814  
916.324.0703

**From:** Leong, Denise <Leong.Denise@epa.gov>  
**Sent:** Thursday, January 9, 2020 5:03 PM  
**To:** Koenig, Jack@ARB <jack.koenig@arb.ca.gov>  
**Subject:** RE: Confidentiality Agreement

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Hi Jack, thank you and happy new year...I checked in with my supervisor who is also working on a confidentiality agreement with CARB on a **Ex. 7A**. We propose to base the agreement for Schnitzer on the draft that she (Melanie) and I think Aaron will work up. Let me know if you have any questions. Thanks, Denise

**From:** Koenig, Jack@ARB <jack.koenig@arb.ca.gov>  
**Sent:** Friday, January 3, 2020 10:20 AM  
**To:** Leong, Denise <Leong.Denise@epa.gov>  
**Subject:** RE: Confidentiality Agreement

Thanks, Denise. I hope you've had a nice break. Yes, the comments are the same, although I'm happy to discuss if there are particular changes that are problematic from your end.



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**From:** Leong, Denise <Leong.Denise@epa.gov>  
**Sent:** Monday, December 30, 2019 8:33 AM  
**To:** Koenig, Jack@ARB <jack.koenig@arb.ca.gov>  
**Subject:** RE: Confidentiality Agreement

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Hi Jack, Happy holidays. Thanks for letting me know and I apologize for the delay in getting back to you, I have been out of the office. I just wanted to confirm that you still have the same comments that you sent me on DOJ's model previously (attached). If not, feel free to update. Let me know if you have any questions, I will be out of the office this week as well but able to answer emails. Thanks, Denise

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**From:** Koenig, Jack@ARB <[jack.koenig@arb.ca.gov](mailto:jack.koenig@arb.ca.gov)>  
**Sent:** Monday, December 16, 2019 8:40 AM  
**To:** Leong, Denise <[Leong.Denise@epa.gov](mailto:Leong.Denise@epa.gov)>  
**Subject:** RE: Confidentiality Agreement

Hi Denise – Yes, we are amenable to entering a separate agreement. Please note, however, that we will not be able to share information received from the joint prosecution group, so that would limit our information sharing.



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**From:** Leong, Denise <[Leong.Denise@epa.gov](mailto:Leong.Denise@epa.gov)>  
**Sent:** Friday, December 13, 2019 5:27 PM  
**To:** Koenig, Jack@ARB <[jack.koenig@arb.ca.gov](mailto:jack.koenig@arb.ca.gov)>  
**Subject:** RE: Confidentiality Agreement

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Hi Jack,

I ran the existing agreement by my folks but our DOJ attorney is saying that it would take a lot more time for EPA/DOJ to sign on to your existing agreement due to review of the language. It would be easier for EPA/DOJ to do a separate agreement based on our model and CARB could insert language noting the existence of the separate agreement that it has with other CA agencies. Thanks for your patience with the back and forth. Would this work? Happy to discuss further.

Thanks, Denise

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**From:** Koenig, Jack@ARB <[jack.koenig@arb.ca.gov](mailto:jack.koenig@arb.ca.gov)>  
**Sent:** Thursday, December 5, 2019 11:28 AM  
**To:** Leong, Denise <[Leong.Denise@epa.gov](mailto:Leong.Denise@epa.gov)>  
**Subject:** RE: Confidentiality Agreement

Hi Denise – Attached is the existing confidentiality agreement, which your office may join by executing Attachment A. Please let me know if you have any questions or wish to discuss. Thanks.

Jack



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**From:** Leong, Denise <[Leong.Denise@epa.gov](mailto:Leong.Denise@epa.gov)>  
**Sent:** Friday, November 22, 2019 3:52 PM  
**To:** Koenig, Jack@ARB <[jack.koenig@arb.ca.gov](mailto:jack.koenig@arb.ca.gov)>  
**Subject:** RE: Confidentiality Agreement

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Hi Jack, Sounds good. Hope you have a good holiday. Thanks, Denise

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**From:** Koenig, Jack@ARB <[jack.koenig@arb.ca.gov](mailto:jack.koenig@arb.ca.gov)>  
**Sent:** Friday, November 22, 2019 10:02 AM  
**To:** Leong, Denise <[Leong.Denise@epa.gov](mailto:Leong.Denise@epa.gov)>  
**Subject:** RE: Confidentiality Agreement

Thanks, Denise. In that case, I would propose joining an existing confidentiality agreement we have related to Schnitzer. I am requesting approval from the other parties, and will get back to you on that by Dec. 2. We are allowing some additional time for consideration in light of the holiday next week.

Best,  
Jack



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**From:** Leong, Denise <[Leong.Denise@epa.gov](mailto:Leong.Denise@epa.gov)>  
**Sent:** Thursday, November 21, 2019 4:35 PM  
**To:** Koenig, Jack@ARB <[jack.koenig@arb.ca.gov](mailto:jack.koenig@arb.ca.gov)>  
**Subject:** RE: Confidentiality Agreement

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Hi Jack,

Thanks for your email. I checked in with my manager and confirmed that it's standard for DOJ to enter into confidentiality agreements on behalf of EPA. Also, including AG and other state entities would be ok. I'm available to discuss on a call if that would be easier. Let me know what you think.

Thanks, Denise  
415-972-3409

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**From:** Koenig, Jack@ARB <[jack.koenig@arb.ca.gov](mailto:jack.koenig@arb.ca.gov)>  
**Sent:** Tuesday, November 19, 2019 10:14 AM  
**To:** Leong, Denise <[Leong.Denise@epa.gov](mailto:Leong.Denise@epa.gov)>  
**Subject:** RE: Confidentiality Agreement

Hi Denise –

Attached are proposed edits to the agreement, please let me know if you have questions or comments. I also wanted to note the possibility of entering a broader agreement with other state entities including the AG's office and DTSC. If that is of interest, please let me know and I can reach out to the other parties to ask about adding U.S. EPA as a party. If not, we can proceed with the agreement between CARB and US EPA only.

Thanks,  
Jack



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**From:** Leong, Denise <[Leong.Denise@epa.gov](mailto:Leong.Denise@epa.gov)>  
**Sent:** Tuesday, November 19, 2019 8:49 AM  
**To:** Koenig, Jack@ARB <[jack.koenig@arb.ca.gov](mailto:jack.koenig@arb.ca.gov)>  
**Subject:** RE: Confidentiality Agreement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jack, Just following up on the draft confidentiality agreement. Thanks, Denise

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**From:** Leong, Denise  
**Sent:** Thursday, November 14, 2019 3:39 PM  
**To:** 'Koenig, Jack@ARB' <[jack.koenig@arb.ca.gov](mailto:jack.koenig@arb.ca.gov)>  
**Subject:** RE: Confidentiality Agreement

Hi Jack,

Attached is a draft confidentiality agreement. There are 2 spots highlighted for you to check/update. Let me know if you have any other comments, anything else you would like to add, or questions.

Thanks, Denise

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**From:** Leong, Denise  
**Sent:** Tuesday, October 29, 2019 4:20 PM  
**To:** Koenig, Jack@ARB <[jack.koenig@arb.ca.gov](mailto:jack.koenig@arb.ca.gov)>  
**Subject:** RE: Confidentiality Agreement

Hi Jack, Thanks for contacting me. I will send you a draft a confidentiality agreement for Schnitzer soon. We are not yet ready to put together an agreement for **Ex. 7A** yet but will let you know when that changes. Let me know if you have any questions. Regards, Denise

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**From:** Koenig, Jack@ARB <[jack.koenig@arb.ca.gov](mailto:jack.koenig@arb.ca.gov)>

**Sent:** Monday, October 28, 2019 11:26 AM

**To:** Leong, Denise <[Leong.Denise@epa.gov](mailto:Leong.Denise@epa.gov)>

**Subject:** Confidentiality Agreement

Hi Denise –

I'm writing in follow up to Scott Connolly's email from Friday afternoon. I understand that CARB and EPA Region IX staff are interested in sharing information related to two facilities in Oakland: Schnitzer and **Ex. 7A**. Because this will include confidential information, we have proposed entering into confidentiality agreements to cover these specific facilities. I envision this would be two separate agreements, with common interest privileges as the information relates to potential enforcement. If you agree to this approach, please let me know if you have a draft agreement that you typically use, or if we should work on a new document.

Best,  
Jack



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